

**MINUTES
FREMONT CITY COUNCIL REGULAR MEETING
JUNE 23, 2009
FREMONT CITY HALL
7:00 P.M.**

1. PRELIMINARY

1.1 Call to Order: Mayor Wasserman called the meeting to order.

1.2 Flag Salute: Mayor Wasserman led the salute to the flag.

1.3 Roll Call: Present: Mayor Wasserman, Vice Mayor Natarajan, Councilmembers: Wieckowski, Harrison, and Chan.

1.4 Announcements by Mayor/City Manager

2. CONSENT CALENDAR

- * **2.1 Waive Reading of Ordinances:** The City Attorney read the titles of ordinances to be considered.

On a motion by Vice Mayor Natarajan, seconded by Councilmember Harrison, the City Council waived further readings of proposed ordinances.

Ayes:	Mayor Wasserman, Vice Mayor Natarajan, Councilmembers: Wieckowski, Harrison and Chan
Noes:	None
Absent:	None
Abstain:	None

- * **2.2 Approval of Minutes** – None.

- * **2.3 Mayor Wasserman opened consideration of the Second Reading and Adoption of an Ordinance of the City of Fremont Cancelling the Double Wood Golf Course Development Agreement Approved by Ordinance 2482**

On a motion by Vice Mayor Natarajan, seconded by Councilmember Harrison, the City Council adopted Ordinance No. 12-2009.

Ayes:	Mayor Wasserman, Vice Mayor Natarajan, Councilmembers: Wieckowski, Harrison and Chan
Noes:	None
Absent:	None
Abstain:	None

*** 2.4 Mayor Wasserman opened consideration of the Authorization for the City Manager or Designee to Execute Purchase Order Contracts for the Purchase of Nine Pieces of Fleet Heavy Equipment**

On a motion by Vice Mayor Natarajan, seconded by Councilmember Harrison, the City Council:

1. Authorized the City Manager or designee to execute a purchase order with Municipal Maintenance Equipment in an amount not to exceed \$543,840 for the purchase of two CNG sweepers;
2. Authorized the City Manager or designee to execute a purchase order with Altec Industries, Inc. in an amount not to exceed \$311,785 for the purchase of two aerial bucket trucks by piggybacking onto the City of Roseville's Request for Quotation, Number 1880;
3. Authorized the City Manager or designee to execute a purchase order with Golden Gate Truck Center in an amount not to exceed \$264,766 for the purchase of two dump trucks by piggybacking onto Alameda County Water District's Request for Quotations, Number 2945; and
4. Authorized the City Manager or designee to execute a purchase order with Arbor-Quip in an amount not to exceed \$133,711 for the purchase of three brush chipper machines by piggybacking onto the Butte County Invitation for Bids, Number 17-09.

Ayes: Mayor Wasserman, Vice Mayor Natarajan,
Councilmembers: Wieckowski, Harrison and Chan
Noes: None
Absent: None
Abstain: None

*** 2.5 Mayor Wasserman opened consideration of the Approval to Appropriate Funds From Fire Bond CIP Reserve Fund 501PWC8526 to Fire Station No. 6 501PWC8531 for the Costs Associated with the Installation of the Fire Station No. 6 Art Sculpture**

On a motion by Vice Mayor Natarajan, seconded by Councilmember Harrison, the City Council appropriated \$47,200 from Fund 501PWC8526 (Fire Bond CIP Reserve) to 501PWC8531 (Fire Station No. 6) for the costs associated with the installation of the Fire Station No. 6 art sculpture.

Ayes: Mayor Wasserman, Vice Mayor Natarajan,
Councilmembers: Wieckowski, Harrison and Chan
Noes: None
Absent: None
Abstain: None

*** 2.6 Mayor Wasserman opened consideration of the Introduction of an Ordinance Adding Chapter 7.5 to Title V of the Fremont Municipal Code Regarding a Support Fee for Public, Educational, and Governmental (PEG) Channel Facilities and Special Provisions Applicable to State Video Franchise Holders**

On a motion by Vice Mayor Natarajan, seconded by Councilmember Harrison, the City Council introduced an ordinance adding Chapter 7.5 (Video Service Providers) to Title V (Businesses, Professions and Trades) of the Fremont Municipal Code regarding a Support Fee for Public, Educational, and Government (PEG) Channel Facilities and Special Provisions Applicable to State Video Franchise Holders.

Ayes: Mayor Wasserman, Vice Mayor Natarajan,
Councilmembers: Wieckowski, Harrison and Chan
Noes: None
Absent: None
Abstain: None

*** 2.7 Mayor Wasserman opened consideration of the Introduction of an Ordinance Amending Fremont Municipal Code to Allow Collection of Development Impact Fees After Building Permit Issuance but Prior to Any Occupancy and to Establish that the Fee Amount to be Paid is the Amount in Effect at the Time of Building Permit Issuance**

On a motion by Vice Mayor Natarajan, seconded by Councilmember Harrison, the City Council introduced an Ordinance amending the Fremont Municipal Code Sections to allow collection of development impact fees after building permit issuance, but prior to the date of the final inspection, certificate of occupancy, or for a period of eighteen months after the date of permit issuance, whichever occurs first; and to establish that the fee amount to be paid is the amount in effect at the time of building permit issuance.

Ayes: Mayor Wasserman, Vice Mayor Natarajan,
Councilmembers: Wieckowski, Harrison and Chan
Noes: None
Absent: None
Abstain: None

*** 2.8 Mayor Wasserman opened consideration of the Introduction of an Ordinance Amending the Fremont Municipal Code Regarding Prohibitions on Former City Officials for Consistency with State Law**

On a motion by Vice Mayor Natarajan, seconded by Councilmember Harrison, the City Council introduced an ordinance amending Fremont Municipal Code Title II, Chapter 10, commencing at Section 2-10000, to make specified revisions regarding prohibitions on former city officials in order to remain consistent with State law.

Ayes: Mayor Wasserman, Vice Mayor Natarajan,
Councilmembers: Wieckowski, Harrison and Chan
Noes: None
Absent: None
Abstain: None

*** 2.9 Mayor Wasserman opened consideration of the Authorization for the City Manager to Execute FY 2008/09 Contract Amendment with Alameda County for Mental Health Services at the Fremont Family Resource Center and Appropriate Additional Funding**

On a motion by Vice Mayor Natarajan, seconded by Councilmember Harrison, the City Council authorized the City Manager or his designee to execute a contract amendment with Alameda County Behavioral Health Care Services for reimbursement of mental health services, in the amount of \$42,467, for a total contract amount of \$234,076 and appropriate an additional \$42,467 to account 1725338, and to execute any other implementing documents.

Ayes: Mayor Wasserman, Vice Mayor Natarajan,
Councilmembers: Wieckowski, Harrison and Chan
Noes: None
Absent: None
Abstain: None

*** 2.10 Mayor Wasserman opened consideration of the Adoption of a Resolution Authorizing the City Manager to Execute a Grant Funding Agreement with the Alameda County Transportation Improvement Authority for the Tri-City Senior Walk Clubs Program, Committing the Necessary Matching Measure B Funds and Stating the City's Assurance to Complete the Project**

On a motion by Vice Mayor Natarajan, seconded by Councilmember Harrison, the City Council:

1. Adopted Resolution No. 2009-42 authorizing the City Manager or designee to execute a grant funding agreement with ACTIA for the Tri-City Senior Walk Clubs program, committing the necessary matching funds and stating the City's assurance that it will complete the project.
2. Appropriated grant funding of \$52,000 to ACTA/ACTIA grants, Fund 504, and local match of \$15,000 to Measure B Bicycle and Pedestrian Fund 509.

Ayes: Mayor Wasserman, Vice Mayor Natarajan,
Councilmembers: Wieckowski, Harrison and Chan
Noes: None
Absent: None
Abstain: None

*** 2.11 Mayor Wasserman opened consideration of the Authorization for Alameda County and the City of Pleasanton to Act on Behalf of the City of Fremont to Purchase Mobile Radios as Part of an Assistance to Firefighters Grant and the Citywide Communication Upgrade Project**

On a motion by Vice Mayor Natarajan, seconded by Councilmember Harrison, the City Council authorized the City Manager or designee to enter into an agreement to allow Alameda County to act as the purchasing agent and the City of Pleasanton to act as the financial

administrator to complete the purchase of 15 mobile radios on behalf of the City of Fremont as part of the Assistance to Firefighters Grant and the Citywide Communication Upgrade Project.

Ayes: Mayor Wasserman, Vice Mayor Natarajan,
Councilmembers: Wieckowski, Harrison and Chan
Noes: None
Absent: None
Abstain: None

3. CEREMONIAL ITEMS

3.1 Resolution: Honoring Jesus Valenzuela for Reporting a Suspicious Circumstance Resulting in Capture of a Suspect

3.2 Resolution: Honoring Park Ranger Sandy Ferreira for 20 Years of Service

3.3 Resolution: Honoring Street Field Supervisor Jeff Edwards for 20 Years of Service

3.4 Resolution: Honoring Building Maintenance Field Supervisor Bob Bohannon for 20 Years of Service

3.5 Resolution: Honoring Environmental Compliance Manager Kathleen Shonk for 20 Years of Service

3.6 Resolution: Honoring Building Trades Worker III Rene Castillo for 25 Years of Service

4. PUBLIC COMMUNICATIONS

4.1 Oral and Written Communications

Doug Jones (SEIU United Healthcare Workers) expressed concern for the employees working without an updated contract at the Vasquez Health Clinics in the area.

5. SCHEDULED ITEMS

5.1 Mayor Wasserman opened consideration of the Recreation Commission Referral Concerning Recommended Changes to the Art in Public Places Program Policy

Park Planning Manager Amy Rakley presented the staff report and outlined proposed amendments to the Art in Public Places Program Policy. Staff responded to questions from Councilmembers. Councilmembers provided comment. Mayor Wasserman invited public comment. Shirley Wein (Art Review Board Member) addressed Council regarding the merits and discussion of the Art Review Boards' proposed revision to the policy.

On a motion by Vice Mayor Natarajan, seconded by Councilmember Harrison, the City Council:

1. Amended the Art in Public Places Program Policy:
 - a. To provide that funds from one or more projects can be combined.
 - b. To allow maximum flexibility in the location for public art.
 - c. To provide that the Art Review Board's recommendations about art in City parks will be made to the Recreation Commission, for recommendation to the City Council, while art in all other locations will be made to the Planning Commission, for recommendation to the City Council or Redevelopment Agency. If the Planning Commission does not have discretionary authority, the Art Review Board will make its recommendations directly to the City Council or Redevelopment Agency.
 - d. To provide for the annual appointment, by members of the Art Review Board, of two Board members and two alternate Board members, to be available to meet with the (staff) Art Liaison in providing advice and assistance, when requested, to private developers. An Art Review Board member will act as a liaison to the existing process for the CBD private projects as part of the project team to evaluate private applications.
 - e. To include new public buildings and new parks funded as Redevelopment Agency projects.
 - f. To increase the value for exemption of projects from the Policy to \$1,000,000.
2. Directed staff:
 - a. To evaluate whether the City could submit for funding of public art when the City considers potential projects for funding with Measure WW monies.
 - b. Continue with consistent application of the 1% formula for establishing budgets for public art projects, regardless of the resulting funding level.
 - c. Beginning with the 2011/12-2015/16 Capital Improvement Program cycle, to create a proposed capital project titled "Funding for Public Art" and recommend a level of General Funds for the City Council's consideration during the evaluation and prioritization of projects to receive General Funds. This funding could be utilized for a variety of purposes, including new works of public art; administrative costs for art projects funded primarily with other funding sources, but requiring an additional funding source for administrative costs; ongoing maintenance of public art works; public education, tours, and promotion of public art in the community; and regular installation of "temporary artwork".

Ayes: Mayor Wasserman, Vice Mayor Natarajan,
Councilmembers: Wieckowski, Harrison and Chan

Noes: None

Absent: None

Abstain: None

5.2 Mayor Wasserman opened consideration of a Public Hearing (Published Notice) to Consider an Appeal of a Planning Commission Decision to Deny an Appeal of an Approved Zoning Administrator Permit to Allow a Large Family Daycare Facility up to Fourteen Children in Mission San Jose Planning Area (MIS2009-00369)

Planning Director Jeff Schwob reviewed the staff report. Staff responded to questions from Councilmembers. Mayor Wasserman opened the public hearing. Robert Portillo and Boban

John (appellants), expressed opposition to expansion of the large daycare and expressed support for upholding the appeal and denying the project. Mary Irma Pantaleon (applicant) and Patricia Saturino (property owner) expressed support for expanding the daycare and requested that the appeal be denied. Shirley Chi (appellant) provided rebuttal comments in opposition to the expansion of a large daycare. Will Barrameda expressed support for denying the appeal and upholding the Planning Commission's recommendation to approve the project. Ellen Dektar (Alameda County Child Care Planning Council) provided information about the Council's mission and provided some context about childcare Countywide and in Fremont. There were no other speakers. Mayor Wasserman closed the public hearing. Ms. Pantaleon (applicant) responded to questions from Councilmembers. Councilmembers provided comment.

On a motion by Councilmember Harrison, seconded by Councilmember Chan, the City Council:

1. Held a public hearing.
2. Found that the project is statutorily exempt from the California Environmental Quality Act (CEQA) under guideline 15274.
3. Found that MIS2009-00369 is in conformance with the relevant provisions contained in the City's existing General Plan. These provisions include the designations, goals, objectives and policies set forth in the General Plan's Residential Land Use Policies Chapter as enumerated within the staff report.
4. Denied the appeal and approved First Steps Daycare (MIS2009-00369), subject to findings and conditions in Exhibit "A".

Ayes:	Mayor Wasserman, Vice Mayor Natarajan, Councilmembers: Wieckowski, Harrison and Chan
Noes:	None
Absent:	None
Abstain:	None

6. REPORT FROM CITY ATTORNEY

6.1 Mayor Wasserman opened consideration of a Report Out from Closed Session of Any Final Action – None.

7. OTHER BUSINESS

7.1 Mayor Wasserman opened consideration of the Award of Design Agreement to the Crosby Group in the amount of \$1,231,556, and Construction Management Services Agreement to Critical Solutions, Inc. in the amount of \$494,820 for the Police Department Building Seismic Retrofit Project, City Project Number PWC 8649 located at 2000 Stevenson Boulevard

City Engineer Norm Hughes and Colin Blaney, (Crosby Group) provided a summary of the findings of the recent analysis of the building. Staff and Mr. Blaney responded to questions from Councilmembers.

On a motion by Councilmember Wieckowski, seconded by Councilmember Harrison, the City Council:

1. Authorized the City Manager, or his designee, to execute a Professional Services Agreement with the Crosby Group for design services for the Police Department Seismic Retrofit Project, PWC 8649, in an amount not to exceed \$1,231,556.
2. Authorized the City Manager, or his designee, to execute a Professional Services Agreement with Critical Solutions, Inc., for project and construction management services for the Police Department Seismic Retrofit Project, PWC 8649, in an amount not to exceed \$494,820.

Ayes: Vice Mayor Natarajan,
Councilmembers: Wieckowski, Harrison and Chan
Noes: Mayor Wasserman
Absent: None
Abstain: None

7.2 Mayor Wasserman opened consideration of the Continued Discussion of Vision and Framework for General Plan 2030

Associate Planner Scott Ruhland provided an overview of the existing land use, conditions, constraints and opportunities, and the vision and character for long term redevelopment for the Shinn Street Terminus. Mayor Wasserman opened public comment. Cyndy Mozzetti (Mozzetti Trucking, Inc.) inquired about the plans for the Shinn Street area and how it would affect her business. Karen McCarty expressed concern for emergency vehicle access to Ford Lane because of the low bridge which limits access for large vehicles. Rick Gooch (Union Pacific Railroad) addressed aspects of the property owned by Union Pacific Railroad in the context of the General Plan Update project. Mr. Gooch responded to questions from Councilmembers. Mark Joseph (USG Corporation) expressed interest in alternate uses for the land currently used by USG in conjunction with Union Pacific Railroad.

Item continued to July 7, 2009.

8. COUNCIL COMMUNICATIONS

8.1 Council Referrals – None.

8.2 Oral Reports on Meetings and Events – None.

- 9. ADJOURNMENT:** There being no further business, Mayor Wasserman adjourned the meeting at 10:50 p.m.

Attest:

Approved:

Dawn G. Abrahamson, City Clerk

BOB WASSERMAN, Mayor